

### **REMARKS**

Applicants respectfully submit that the claims on file have been amended to more clearly point out the present invention. All the claims presently on file are in condition for allowance, which allowance is earnestly solicited.

### **THE CLAIMS**

### **CLAIMS REJECTION UNDER 35 U.S.C. 102**

#### **A. The Rejection**

Claims 1-4, 13, 14; 16-21 were rejected under 35 U.S.C. 102(e) as being anticipated by Lipkin (US publication 2002/0073080).

As ground for the anticipation rejection of the claims on file, the office action presents the following arguments:

- “Lipkin discloses a processor database search system comprising:
- a database (513) for storing a document file;
  - a database control unit (521) for controlling a transfer of a document file to and from said database;
  - a search engine (paragraph 0009) for searching the database on the basis of keywords comprised of characters (See paragraph 0423);
  - a data file for use in a search process by means of said search engine, for retaining information indicating a correspondence of the keyword to positional information of the keyword based on a field in the document file that includes the keywords (See paragraphs 1004).
- Lipkin also discloses that the browsers to read the file (See paragraph 0548), the processor extract text values (See paragraph

1182), FinderManager for executing database queries (See paragraph 0087).

Further, Lipkin discloses table for containing string (See table CWU and paragraph 0503)."

Applicants respectfully traverse this rejection and submit that the claims are not anticipated by Lipkin, and are patentable thereover. In support of this position, Applicants submit the following arguments:

#### **B. Legal Standard for Lack of Novelty (Anticipation)**

The standard for lack of novelty, that is for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicants' position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

### **C. Application of the Legal Standard of Anticipation to Representative**

#### **Claim 1**

Applicants will now present arguments in support of the allowance of representative independent claim 1, and the claims dependent thereon, over Lipkin.

Lipkin generally describes a method and apparatus for managing information in an information resource system containing a server, a client, and a database, by generating metadata using an import agent, determining at least one match using a match agent, and dispatching the at least one match or a result associated with the match using a delivery agent. In one aspect, the metadata may be RDF metadata. In another aspect of the invention, the match agent may determine the match using an RQL query.

The Background section of the instant patent application addresses the problem facing conventional methods, such as Lipkin's, as follows:

"Conventionally, in search systems for performing a search involving a field search for such a structured document file, information (indices) for searching for a document file containing a search term is stored separately from information on fields in each document file. During a search, both information items are matched to search for a document file containing a search term in a desired field. That is, this requires searching for all document files containing the search term first, and then selecting those that contain the character string in the desired field; therefore the search takes a long time." Column 3, line 21 through column 4, line 2, with emphasis added.

To solve this problem, the present invention discloses an index file for use in search processing employing a search engine, by retaining information that indicates a correspondence of a keyword to its positional information. The index file comprises a key file that includes a list of pointers to character strings. The character strings are included in document files that are stored in a document database and to positional information, by document area where a character string in a document file appears and a POS file. The POS file includes a list of positional information containing information that specifies a document file where a character string exists and information that specifies a position of the character string in a document file regarding the character strings in the key file.

More specifically, Lipkin does not describe an index file that comprises a key file which includes a list of pointers to character strings and positional information; wherein the character strings are included in the document file and are stored in the database by document area where a character string in the document file appears and by a positional information file; wherein the positional information file includes a list of positional information containing information that specifies the document file where a character string exists and information that specifies a position of the character string in the document file regarding the character string in the key file; and wherein for a variable-length chain included in the index file, a relational file is created by dividing each word in the variable-length chain into a plurality of fixed-length keywords.

#### **D. Conclusion**

As a result, based on the foregoing strict legal standard for anticipation, Applicants submit that **Lipkin does not anticipate claim 1 or the claims dependent thereon**. Thus, the claims on file are allowable and such allowance is earnestly solicited.

Independent claims 13 and 15 are also allowable for generally reciting similar features and limitations to those in claim 1. As a result, claims 13 and 15 and the claims dependent thereon are allowable.

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

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Respectfully submitted,

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